United Nations A/69/181

General Assembly

Distr.: General
24 July 2014

Original: English

Sixty-ninth session
Item 83 of the provisional agenda*
The rule of law at the national and international levels

Strengthening and coordinating United Nations rule of law activities

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 68/116. It highlights United Nations rule of law activities, and developments, at the national and international levels over the past year, and includes illustrative examples of the broad range of work covered by the United Nations entities that are members of the Rule of Law Coordination and Resource Group. It contains information on the implementation of measures to enhance the coordination and coherence of the work of the United Nations relating to the rule of law. It also includes a section devoted to United Nations activities to enhance access to justice, in view of the General Assembly's focus during its sixty-ninth session on the subtopic "Sharing States' national practices in strengthening the rule of law through access to justice".

* A/69/150.

14-58175 (E) 150814

Please recycle

Contents

		Page
I.	Introduction	3
II.	Promotion of the rule of law at the international level	3
	A. Codification, development and promotion of an international framework of norms and standards	3
	B. International courts and tribunals	5
	C. International and hybrid criminal courts and tribunals	5
	D. Non-judicial and Security Council accountability and support mechanisms	6
III.	United Nations support to the rule of law at the national level	7
	A. Rule of law in conflict and post-conflict situations	7
	B. Rule of law for sustainable development	11
	C. Support to constitution-making initiatives	15
	D. Access to justice	16
IV.	System-wide coordination and coherence	18
	A. Strengthening of coordination and coherence at Headquarters	19
	B. Headquarters support to country-level requests: global focal point	19
	C. Country-level rule of law arrangements	20
	D. Strengthening the rule of law in the Organization	21

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/116. It includes information on the work of the Rule of Law Coordination and Resource Group, its members, and the Rule of Law Unit. The report includes a section highlighting United Nations activities to enhance access to justice, in view of the General Assembly's focus during its sixty-ninth session on the subtopic "Sharing States' national practices in strengthening the rule of law through access to justice".

II. Promotion of the rule of law at the international level

2. International law, anchored in the Charter of the United Nations, is the very foundation of the Organization. Promoting its development and respect for international obligations has always been a core aspect of United Nations activities. Efforts in this sphere include encouraging the progressive development of international law and its codification, support to the growing network of international treaties, international dispute resolution mechanisms, and training and education in international law. These efforts are based on the core values and principles of the United Nations, and contribute significantly to the collective international efforts to maintain international peace and security, promote human rights and foster sustainable development.

A. Codification, development and promotion of an international framework of norms and standards

3. The United Nations continues to be instrumental in the development and promotion of international norms and standards. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure entered into force on 14 April 2014. It enables the submission of individual complaints to the Committee on the Rights of the Child. To date, this Optional Protocol has been ratified by 11 States. Two additional States ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

4. The Minamata Convention on Mercury was adopted on 10 October 2013 and opened for signature. It aims at protecting human health and the environment from the adverse effects of mercury. Twenty States have consented to be bound to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity. The United Nations Environment Programme (UNEP) is promoting additional ratifications to ensure its prompt entry into force.

5. An additional State became party to the United Nations Convention on the Law of the Sea. The number of parties to that instrument continues to grow and is reflective of the universal character of the Convention. One State also became party to the Agreement relating to the implementation of Part XI of the Convention. Four States became parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

6. Three States became parties to the United Nations Convention against Transnational Organized Crime; three States became parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; one State became party to the Protocol against the Smuggling of Migrants by Land, Sea and Air; and six States and one regional economic integration organization became parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. There were 29 additional ratifications to the international instruments against terrorism. Four States acceded to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and four became parties to the United Nations Convention against Corruption.

7. There were three accessions to the 1954 Convention relating to the Status of Stateless Persons and six to the 1961 Convention on the Reduction of Statelessness, bringing to 32 the total number of accessions to the statelessness conventions since 2011. Five States newly acceded to or ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

8. In July 2014, the United Nations Commission on International Trade Law (UNCITRAL) approved the draft convention on transparency in treaty-based investor-State arbitration and transmitted it for adoption by the General Assembly. The Convention aims to facilitate application to existing investment treaties of the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration adopted in 2013. Since 1 April 2014, the Secretary-General has assumed the role of transparency repository in accordance with article 8 of the Rules on Transparency.

9. The UNCITRAL secretariat has continued to support States in harmonizing the application of the United Nations Convention on Contracts for the International Sale of Goods through reconsideration and revision, where appropriate, of declarations to the Convention. Two States withdrew their declarations and one acceded to the Convention; one State ratified the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, and one State acceded to and one State accepted the United Nations Convention on the Use of Electronic Communications in International Contracts.

10. The Committee on the Elimination of Racial Discrimination adopted general recommendation No. 35 on combating racist hate speech, which sets out the criteria for declaring ideas based on racial superiority or hatred an offence punishable by law and places the obligation to combat racist hate speech in the context of the protection of other rights, including freedom of expression. The Committee on the Elimination of Discrimination against Women adopted general recommendation No. 30, which clarifies the scope of the obligation to uphold women's rights before, during and after conflict, and stresses accountability for crimes against women. The Committee on the Rights of Persons with Disabilities adopted general comments Nos. 1 and 2. The first, on equal recognition before the law, reaffirms the legal capacity of persons with disabilities. It calls upon States parties to replace systems of substitute decision-making by systems in which persons with disabilities are supported in the exercise of their legal capacity and their will and preferences. General comment No. 2 reaffirms that accessibility is a precondition for persons with disabilities to live independently, to participate fully and equally in society, and to have unrestricted enjoyment of all their human rights and fundamental freedoms. The Committee on the Rights of the Child adopted general comments Nos. 14

and 16. The first identified criteria for assessing the child's best interests and procedural safeguards to guarantee their implementation. The second provides guidance to ensure that business operations and activities do not adversely affect child rights.

B. International courts and tribunals

11. Peaceful settlement of international disputes is one of the key elements of the rule of law at the international level. The International Court of Justice, the principal judicial organ of the United Nations, plays the leading role in this area. As at 18 July 2014, there were 13 cases in the List of the Court. During the past year the Court delivered two judgments. The Secretary-General's campaign to broaden the jurisdiction of the Court is ongoing, and the Office of Legal Affairs continues to promote the special role of the Court in international dispute resolution.

12. The International Tribunal for the Law of the Sea handled four cases addressing a range of issues that included obligations and responsibilities for illegal, unreported and unregulated fishing activities, requests for the release of detained vessels and crew, claims for damages arising out of the arrest of vessels and provisional measures. As of May 2014, it had one request for an advisory opinion on its docket.

13. Several arbitral tribunals established under annex VII to the United Nations Convention on the Law of the Sea dealt with a number of issues including maritime boundary delimitation, marine protected areas, maritime jurisdiction, and boarding and detention of vessels, with the Permanent Court of Arbitration acting as the Registry for some of them.

C. International and hybrid criminal courts and tribunals

14. There are currently 122 States parties to the Rome Statute of the International Criminal Court. Seventeen of them have ratified the amendment to article 8 on war crimes, while 14 have ratified the amendment on the crime of aggression. The United Nations continues to cooperate with the Court, in particular by providing logistical support to its field operations and information and evidence in response to requests from the Prosecutor and defence counsel. October 2014 will mark the tenth year since the entry into force of the Relationship Agreement between the United Nations and the Court.

15. The Court issued its third judgment, sentencing Germain Katanga to 12 years in prison for his role in the crimes in Bogoro, in the Democratic Republic of the Congo, which were found to have been committed with particular cruelty and resulted in numerous civilian victims. The United Nations disclosed a considerable body of information for use in the trial. United Nations peacekeeping operations continued to assist the Court with respect to its investigations in the Democratic Republic of the Congo, Côte d'Ivoire and Mali.

16. The Special Court for Sierra Leone delivered its final appeal judgement in the case of the former President of Liberia, Charles Taylor, who was convicted for planning, aiding and abetting war crimes and crimes against humanity, including child recruitment. Upon the closure of the Special Court on 31 December 2013, the

Residual Special Court for Sierra Leone commenced residual functions, including sentence enforcement, witness protection and preservation of archives. It will be important for Member States to continue to support the Residual Special Court financially so that it can carry out its work.

17. The International Criminal Tribunal for Rwanda has completed all its trials and is now only hearing appeals. It has referred several cases to Rwanda for prosecution. The International Tribunal for the Former Yugoslavia continues to conduct both major trials and appeals. Since 1 July 2013, both branches of the International Residual Mechanism for Criminal Tribunals have been fully operational. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has been providing support to both Tribunals on legacy projects to document lessons learned on the investigation and prosecution of sexual violence.

18. Judgement in the trial of the first phase of the landmark second case before the Extraordinary Chambers in the Courts of Cambodia is expected soon. In the third and fourth cases, judicial investigations continue. In March 2014, the General Assembly granted the Secretary-General, as an exceptional measure, commitment authority for the year 2014 to cover any financial shortfalls arising for the international component. Both national and international components of the Extraordinary Chambers continue to require sustained commitment by way of voluntary contributions to ensure their ability to complete the remaining proceedings.

19. The Special Tribunal for Lebanon commenced its trial in absentia of four persons indicted for the assassination of the former Prime Minister of Lebanon, Rafiq Hariri. Subsequent to commencement of trial, the Tribunal joined a fifth accused to the case.

D. Non-judicial and Security Council accountability and support mechanisms

20. Commissions of inquiry and fact-finding missions established by national and international bodies make critical contributions by providing independent, factual accounts of events to inform international action and to establish accountability for serious human rights violations. The Office of the United Nations High Commissioner for Human Rights (OHCHR) provided support to the commissions of inquiry on the Syrian Arab Republic and the Democratic People's Republic of Korea to investigate allegations of serious violations of human rights and international humanitarian law. In Mali and the Central African Republic, OHCHR carried out fact-finding missions to map gross human rights violations and present reports to the Human Rights Council with recommendations. UN-Women is supporting a roster of justice experts in sexual and gender-based violence through training and deployment. Experts have been deployed to a number of investigative bodies including the commissions of inquiry for Côte d'Ivoire, Libya, the Syrian Arab Republic and the Democratic People's Republic of Korea, as well as the fact-finding mission to the Central African Republic. In addition, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict facilitated the deployment of child protection expertise in the fact-finding mission to the Central African Republic in 2013.

21. The monitoring and reporting mechanism on grave violations against children in situations of armed conflict established by Security Council resolution 1612 (2005) has been an important tool for the protection of children in armed conflict. One action plan to end the recruitment and use of children was signed with Yemen, and plans were implemented in seven countries: Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Myanmar, the Philippines, Somalia and South Sudan. The United Nations Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict continued to provide guidance and technical support for their implementation. With the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, they launched a guidance note on monitoring and reporting attacks on schools and hospitals.

22. Pursuant to Security Council resolution 1960 (2010), parties credibly suspected of committing or being responsible for patterns of sexual violence were identified in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Mali, South Sudan and the Syrian Arab Republic. In addition, to further assist in addressing rule of law issues in conflict contexts, women protection advisers were deployed to the Central African Republic, Mali, Somalia and South Sudan.

III. United Nations support to the rule of law at the national level

A. Rule of law in conflict and post-conflict situations

23. Conflict and post-conflict situations require the progressive restoration of the rule of law, including security institutions capable of protecting the lives and rights of all persons, as well as the functioning of justice systems that address serious violations of human rights and provide redress to victims. Rule of law assistance in conflict and post-conflict settings needs to be tailored and sequenced to respond to specific national contexts and priorities.

Justice systems

24. The strengthening of capacities of national authorities is essential to ensure the sustainability of international support. With a focus on peace, security and stability, the Department of Peacekeeping Operations provides support to address immediate gaps, extend State authority and strengthen justice systems in Afghanistan, the Central African Republic, Côte d'Ivoire, Darfur, the Democratic Republic of the Congo, Haiti, Liberia, Libya, Mali, Somalia and South Sudan. For example, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic is focusing its efforts on re-establishing the criminal justice system in that country, including through the adoption of urgent temporary measures to support authorities in ending impunity and bringing perpetrators of serious crimes to justice. To guide its work in the field, the Department developed a Handbook for Judicial Affairs Officers in United Nations Peacekeeping Operations. In Timor-Leste, the United Nations Development Programme (UNDP) continues to support a capable, modern justice system. Since March 2013, national judges have handled the majority of civil cases which were previously the responsibility of

international personnel. In Guatemala, UNDP, the United Nations Office on Drugs and Crime (UNODC) and UN-Women, with the financial support of the Peacebuilding Fund, are working with the Public Prosecutor's Office and the National Civil Police to enhance their capacity to look at broader criminal phenomena and dismantle criminal networks. Progress in this area has resulted in a decrease in impunity rates for homicide, from 95 per cent in 2010 to 72 per cent in 2013, as well as in convictions in high profile cases of international crimes and human rights violations.

Security sector

25. Security sector reform aims at improving safety through enhancing the effectiveness and accountability of security institutions controlled by civilians and operating according to human rights and the rule of law. The United Nations Mission in Liberia is assisting in strengthening the oversight, accountability, management and financial sustainability of the security sector there, while the Peacebuilding Commission is supporting the establishment of five regional justice and security hubs, with financial support from the Peacebuilding Fund. The United Nations Multidimensional Integrated Stabilization Mission in Mali is assisting in the development of a strategy to rebuild the security sector in that country, and is coordinating the international community's support in the field. In Myanmar, UNDP and UNODC are supporting police reform and discussions on security sector governance. In El Salvador, UNDP support contributed to a significant decrease in violence in some of the most dangerous cities of the country.

Police

26. United Nations police support the reform, restructuring and rebuilding of domestic police services and other law enforcement agencies. Most recently, standing police capacity officers have deployed to the Central African Republic, Mali, Somalia and South Sudan. In the Democratic Republic of the Congo, the United Nations, along with international stakeholders, supported the implementation of the national police reform plan, including the revision of the legal framework and training for police officers, as well as introducing community-oriented policing in pilot areas. In Haiti, United Nations police supported the professionalization of personnel, reinforcement of operational capacities, and strengthening of institutional capacity. As part of the Strategic Guidance Framework for International Police Peacekeeping, which aims to ensure cohesion and coherence in United Nations policing, United Nations police are finalizing operational guidance on capacity-building, operations and administration.

Corrections

27. Prison systems need to provide for reliable implementation of judicial decisions in conformity with human rights. For example, the United Nations Stabilization Mission in Haiti (MINUSTAH) has trained approximately 300 prison officers on crisis management, health care and other issues. In Iraq, UNODC conducted training courses for the Corrections Service, and strengthened the training capacity of the National Corrections Training Academy. The United Nations Operation in Côte d'Ivoire (UNOCI) supported the rehabilitation of 22 prisons and the development of prison regulations. In Cambodia, OHCHR supported the adoption of a four-year strategic plan which provides a framework for prison

management and the treatment of prisoners. The United Nations Mission in South Sudan supported the development of prison regulations, implemented a cadet training programme for 100 new prison recruits and assisted in the development of a training curriculum. New guidance materials include the Prison Incident Management Handbook prepared by the Department of Peacekeeping Operations and a Prison Evaluation Checklist for Post-Conflict Settings developed jointly with UNODC and UNDP.

The fight against impunity and transitional justice

28. In countries transitioning from conflict, the United Nations supported a range of transitional justice processes, including national consultations, truth-seeking, criminal prosecutions, reparations, vetting and institutional reforms. Fighting impunity for international crimes is a central component of sustainable transitions to peace and reconciliation. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and OHCHR continue to support the efforts of the authorities of the Democratic Republic of the Congo to bring perpetrators of human rights violations to justice, as well as the reform of security and judicial institutions. In Togo, OHCHR has assisted the transitional justice process since its inception, and is now supporting the follow-up mechanism responsible for implementing the recommendations of the Truth, Justice and Reconciliation Commission, including its reparations and reconciliation programme. In Honduras, OHCHR is supporting the implementation and follow-up to the recommendations in the report of the Truth and Reconciliation Commission.

29. To be effective and legitimate, transitional justice frameworks need to be established with the participation of all relevant stakeholders. In Afghanistan, the United Nations is supporting the Afghan People's Dialogue on Peace initiative. By the end of 2013, approximately 6,500 Afghans had been consulted on prospects for peace, reconciliation, security, economic development, human rights, justice and rule of law.

30. At the regional level, OHCHR and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence organized regional consultations on transitional justice in Africa. It was the third regional event following meetings in the Middle East, North Africa, Latin America and the Caribbean.

31. OHCHR published *Transitional Justice and Economic, Social and Cultural Rights*, which explores the ways in which transitional justice processes have addressed violations of economic, social and cultural rights, and provides stakeholders with recommendations.

32. Transitions often require new laws for implementing agreed strategies to overcome conflicts. In Tunisia, OHCHR and UNDP supported the drafting of the law on transitional justice, adopted in December 2013 after an inclusive consultation process with over 4,000 justice and civil society actors, and are supporting the Truth and Dignity Commission inaugurated in June 2014. In Libya, the United Nations provided advice on the drafting of a law on transitional justice and legislative reforms which would include crimes such as torture and enforced disappearances and preclude the application of military jurisdiction to civilians. With the support of the United Nations Assistance Mission in Afghanistan, the Afghan penal code is being revised to incorporate all criminal laws enacted since 2001. In Kyrgyzstan, a

project of the United Nations Democracy Fund is working on the promotion of anti-discrimination legislation, while UNDP is supporting the President's Office in the reform of key justice system legislation.

Gender-based violence

33. The fight against impunity in conflict-affected countries often requires specialized approaches targeting specific characteristics of certain crimes and victims. The United Nations has made important contributions to justice responses to gender-based violence. In the Democratic Republic of the Congo and Liberia, UNDP supported assistance to survivors and the strengthening of investigation and prosecution capacities. In the Occupied Palestinian Territories, UN-Women is supporting the Attorney General's Office to enhance access to justice for women victims of violence, and partnered with the Palestinian Bar Association to develop guidelines on legal aid for women. Specialized United Nations police teams supported counterparts in Darfur, Guinea-Bissau, Liberia, Sierra Leone and Timor-Leste to address cases of sexual and gender-based violence. In Côte d'Ivoire, Liberia and South Sudan, United Nations police peacekeepers, with host State counterparts, prevent sexual violence through visibility patrols and community outreach. UNICEF supported more than 30,000 women and children victims of gender-based violence. The Office of the United Nations High Commissioner for Refugees (UNHCR) provided legal assistance to survivors and safe shelters for women and supported capacity-building projects for community workers in many operations around the world.

34. The Team of Experts on the Rule of Law and Sexual Violence in Conflict has continued to assist national authorities in addressing impunity for conflict-related sexual violence in the Central African Republic, Côte d'Ivoire, Colombia, the Democratic Republic of the Congo, Guinea, Liberia, Somalia and South Sudan. In the Democratic Republic of the Congo and Somalia, the Team supported the development of an implementation plan for the joint communiqués on sexual violence signed in 2013. In Colombia, the Team supported the drafting of a law on access to justice for victims of sexual violence, adopted on 18 June, and contributed to the development of guidelines for the police and the military on conflict-related sexual violence. In Guinea, the Team's support to the Panel of Judges established to investigate and prosecute the crimes of 28 September 2009 resulted in the indictment of several high-ranking officials and over 300 hearings of victims of sexual violence. In the Central African Republic, the Team is supporting the gendarmerie and the police in establishing a mixed rapid response unit to respond to and investigate incidents of sexual violence.

35. OHCHR and UN-Women jointly developed the Guidance Note of the Secretary-General on Reparations for Conflict-related Sexual Violence, to provide policy and operational guidance for United Nations engagement in the area of reparations for victims of conflict-related sexual violence. It highlights the relevant normative framework, and includes guiding principles for operational engagement, as well as guidance on how to utilize different forms of reparation.

Protection of children

36. Efforts to protect children in emergencies in more than 50 countries affected by armed conflict and natural disasters included large-scale emergencies in the

Central African Republic, the Philippines and the Syrian Arab Republic. UNICEF supported efforts in 16 countries to release children associated with armed forces or armed groups and reintegrate them into their families and communities. Global estimates indicate that, through UNICEF support, 13,500 children separated during armed conflict or natural disasters were reunited with their families during the year. More than 7,300 children associated with armed forces or groups were reunited with families and reintegrated into their communities. The Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF launched the campaign "Children, not Soldiers", which aims to prevent and end the recruitment and use of children by national security forces by 2016. UNODC conducted needs assessments on justice for children in Paraguay and Somaliland and on reforms related to children in detention in six countries. UNODC is also implementing projects on juvenile justice in five countries.

Internally displaced persons

37. During and after conflicts, the protection of internally displaced persons poses difficult challenges that have become even more acute as internal displacement becomes chronic in many countries. They were the focus of the 2013 annual Dialogue of the United Nations High Commissioner for Refugees. It resulted in a better understanding of implementation gaps and in the identification of practical tools to address them. UNHCR supported the adoption of national policies or legislation in Afghanistan, Nigeria and Yemen, and is supporting legislative drafting in the Democratic Republic of the Congo and Georgia. Together with the Inter-Parliamentary Union, UNHCR published a handbook on *Internal Displacement: Responsibility and Action* to help countries to formulate domestic frameworks and legislation to protect internally displaced persons.

B. Rule of law for sustainable development

38. Across the world, sustainable development needs to be supported by well-crafted normative frameworks and capable institutions. Justice and the rule of law are both goals of development as well as essential to the achievement of many development outcomes. United Nations assistance for development covers a wide range of initiatives, including constitution-making and legal reform, strengthening of judicial systems, combating corruption and enhancing States' capacities to implement their human rights commitments across the whole spectrum of rights, from civil and political to economic, social, cultural and environmental.

Conflict prevention

39. The Secretary-General's "Rights up Front" initiative was launched during the year. Rights up Front is an approach through which the United Nations aims to respond more effectively to the risk of serious violations of international human rights or of humanitarian law to ensure that the United Nations system meets the responsibilities set for it by the Charter and Member States. It is a lens through which the Organization examines and responds to threats of serious violations and identifies actions needed to prevent them from occurring. Another central aspect of Rights up Front is better organizational preparedness to ensure that the United Nations system, both on the ground and at Headquarters, is appropriately prepared to deal with evolving crisis situations.

40. The Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect has developed a framework of analysis of the risk of genocide, war crimes, ethnic cleansing and crimes against humanity, which can assist national, regional and international actors in assessing the risk of these crimes for preventive purposes. The Office has assisted national efforts to prevent and punish genocide and atrocities in Kenya, South Sudan, Uganda, the United Republic of Tanzania and Zambia and to adopt legislation in Argentina and Paraguay.

41. Rule of law assistance for conflict prevention has developed innovative approaches, such as the support provided by UNDP to the Philippines for the signing in May 2014 of the Comprehensive Agreement on the Bangsamoro with the Moro Islamic Liberation Force.

Justice systems and law reform

42. Independent, efficient and competent judicial systems are the backbone of the rule of law, providing legitimate and peaceful means to solve conflicts, ensure accountability and provide redress. UNDP supported efforts to reform legal and policy frameworks to address exclusion and discrimination across 33 countries. In 55 countries in Asia and Africa, it is helping to implement comprehensive justice strategies, inclusive of informal and traditional justice systems at the community level. In Belarus, UNDP supports the specialization of courts and the improvement of legislation concerning the court system, and in Turkey it is supporting improvements in the administration of courts. Training initiatives on the domestic application of international human rights standards are also an important part of capacity-building efforts. OHCHR supported the judicial academies in Chile, the Dominican Republic and Peru in incorporating human rights training in their curricula, and the Judicial Council of Bolivia in reviewing the regulation of judicial careers.

National human rights institutions

43. National human rights institutions and ombudsperson institutions play key roles in promoting national compliance with international human rights obligations, as well as in combating impunity and promoting the rule of law. OHCHR supported processes for the establishment of national human rights institutions in Somalia and Yemen; and strengthened existing national human rights institutions in Ecuador, Haiti, Kosovo,[1] Myanmar, Senegal, Sierra Leone and Uganda. The United Nations also supported the development and implementation of national action plans on human rights, for example in Honduras, Malaysia, Paraguay and Thailand. In Burundi, the Peacebuilding Fund continues to assist the National Independent Commission for Human Rights.

Death penalty

44. OHCHR continued its series of global panel events on the death penalty, intended to inform the forthcoming General Assembly debate on the resolution on a moratorium on the death penalty. The three thematic issues discussed over the past year include wrongful convictions, deterrence and public opinion, and discrimination.

[1] All references to Kosovo should be understood in full compliance with Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

Counter-terrorism

45. Supporting Member States' efforts to prevent and combat terrorism continues to be a high priority for the United Nations. Assistance provided by entities across the Organization includes a wide range of capacity-building efforts. The Counter-Terrorism Implementation Task Force seeks to enhance the coordination and coherence of United Nations assistance to Member States in the implementation of the United Nations Global Counter-Terrorism Strategy. It developed a matrix of projects and activities carried out by United Nations entities. With the leadership of OHCHR, it is implementing a project on training and capacity-building for law enforcement officials on human rights, the rule of law and prevention of terrorism, focused on the Middle East, North Africa and the Sahel, and updated the human rights reference guides on the stopping and searching of persons, and on security infrastructure.

46. The Counter-Terrorism Committee and its Executive Directorate continued to support Member States in promoting the implementation of international counter-terrorism commitments, assessing main challenges and priorities, and identifying key areas for technical assistance, working together with other international and regional partners to address capacity-building needs. UNODC provided training to more than 2,500 criminal justice officials on investigation and prosecution of terrorism and on enhancing international judicial cooperation, and developed training modules on human rights and criminal justice responses to terrorism and on transport-related terrorist offences. More than 1,000 criminal justice and law enforcement officials from almost 120 countries have participated to date in the online Counter-Terrorism Learning Platform.

Corruption

47. Accountable and transparent institutions are the vehicle for delivering services according to human rights and rule of law principles. Corruption diverts resources needed for development and undermines the public trust in institutions. UNODC provides assistance to Member States on domestic legislation to implement the United Nations Convention against Corruption, as well as on strengthening capacities to prevent, detect and investigate corruption. UNODC facilitates access and exchange of knowledge through the online portal TRACK and other tools, and implements programmes to promote transparency, integrity and accountability in criminal justice and rule of law institutions.

Drug trafficking

48. Continuing United Nations initiatives to combat drug trafficking, led by UNODC, include the joint West Africa Coast Initiative, supporting the establishment of transnational crime units; the Triangular Initiative of Afghanistan, Iran (Islamic Republic of) and Pakistan, facilitating regional law enforcement coordination; the Maritime Regional Security Initiative; the Paris Pact initiative, now connecting various programmes for the regions affected by drugs originating from Afghanistan; the Container Control Programme; and the Airport Communication Project. UNODC issued a report on drug trafficking through south-eastern Europe.

Human trafficking

49. UNODC continued providing assistance to Member States on the implementation of the Protocols to the United Nations Convention against Transnational Organized Crime on trafficking in persons and the smuggling of migrants, including through an *Assessment Guide to the Criminal Justice Response to the Smuggling of Migrants*, the continuing documentation of cases in the human trafficking case law database covering over 75 jurisdictions, as well as efforts specifically geared to the protection of children from trafficking. Coordination on these issues among United Nations entities continues to be strengthened through the Inter-Agency Coordination Group against Trafficking in Persons and the Global Migration Group. UNICEF supported a training project in Cambodia that resulted in a memorandum of understanding on protection of victims of trafficking between the Governments of Cambodia, Malaysia, Thailand and Viet Nam. UNHCR is supporting the implementation of national plans to address trafficking and smuggling in Ethiopia, Kenya and the Sudan, in line with its 2013 regional strategy and plan of action on smuggling and trafficking from the East and Horn of Africa.

Firearms trafficking

50. UNODC initiated a global study on firearms trafficking and, under its Global Firearms Programme, provides training to criminal justice practitioners and legislative advice. UNODC supports the implementation of the Protocol on firearms to the United Nations Convention against Transnational Organized Crime with delivery of firearms marking equipment.

Protection of children

51. The protection of children's rights continues to be an important component of the rule of law and human rights work of the Organization. In 51 countries, UNICEF supported Governments in addressing policies, legislation and strategies on justice for children, leading to the adoption of at least 12 national laws on the protection of child rights within the justice systems, with the potential to affect 410 million children. Progress has been made in the application of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, with 54 countries now reporting that laws and policies supporting those standards are in place. Training on justice for children issues included UNODC training in Colombia on restorative justice for children and in Cabo Verde on juvenile justice information management systems. UNICEF and UNODC are developing a training curriculum for judges, prosecutors and law enforcement officials on the treatment of child victims and witnesses of child sexual abuse in four South-East Asian countries. UNICEF supported the registration of the births of approximately 30.6 million children, in part through improvements in service delivery mechanisms, including integrated approaches combining birth registration with the health, education and social service sectors.

Refugees

52. The development and implementation of normative frameworks addressing the protection of refugees was supported by UNHCR in more than 50 countries. To end arbitrary detention of asylum-seekers and other migrants, UNHCR launched a five-year strategy which will focus on 13 countries in the initial phase. Guidance

tools developed in this area include the Guidelines on Temporary Protection or Stay Arrangements; new Guidelines on International Protection: Claims to Refugee Status related to Military Service; the UNHCR Protection Manual, which contains a repository of UNHCR guidance and policy papers; and a Russian version of Refworld.

Statelessness

53. A rule of law-based system requires laws and policies on nationality and statelessness that are consistent with international standards to prevent statelessness and to protect stateless persons, and that are consistent with international human rights. UNHCR provided advice in over 65 countries to support the adoption or amendment of laws on citizenship and the protection and identification of stateless persons. Important reforms to address statelessness were undertaken in Côte d'Ivoire, Hungary, Senegal, Turkey, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland.

Sustainable urbanization

54. More than 50 per cent of the world's population is now urban and the process of urbanization is rapidly accelerating. Sustainable urbanization creates opportunities for the realization of development objectives. The United Nations Human Settlements Programme (UN-Habitat) assists States in strengthening the rule of law and incorporating human rights principles into their laws and policies relating to shelter, the provision of basic services and emergency response, including the development of tools for the mediation of conflicts over land. UN-Habitat also supports planning for urban development promoting quality legal frameworks, equity and governance.

Natural resources and the environment

55. In the resolution adopted at the first session of the United Nations Environment Assembly held in June 2014, Member States called upon UNEP and the other members of the Rule of Law Coordination and Resource Group to strengthen environmental rule of law. In the context of the Assembly, UNEP organized a symposium on environmental justice and sustainable development. It highlighted the importance of law and strong implementing institutions to respond to increasing environmental pressure in ways that respect fundamental rights and principles of fairness, including for future generations. UNEP, OHCHR and the independent experts on human rights and the environment have undertaken initiatives to advance the linkages between the environment and human rights. These include a consultation on the right to a healthy environment focusing on Africa, which builds on previous ones on procedural rights related to environmental protection and on the relationship between environmental protection and groups in vulnerable situations, held in Nairobi and Panama respectively.

C. Support to constitution-making initiatives

56. Constitutions are the foundational legal framework supporting a rule of law system. Constitution drafting or reform processes are often instrumental for peace agreements and peacebuilding efforts. At the country level, the United Nations is

providing constitutional support to more than 15 countries. In Somalia and Yemen it is providing support to the constitutional revision process, and in Liberia and Sierra Leone the Organization has supported participation in the review process through civic education and an inclusive drafting process. In Tunisia, UNDP provided technical assistance to the National Constituent Assembly in the constitutional drafting process, and supported a nation-wide dialogue that consulted more than 30,000 citizens. In Libya, the United Nations is supporting the constitutional drafting Assembly, and a broader constitutional dialogue process. In Viet Nam, UNDP provided advice on comparative experiences on issues such as the Constitutional Court, models of local governance and a wide range of human rights provisions. OHCHR provided advice on the incorporation of international standards into the Constitutions of Fiji and Tunisia.

57. To identify strengths and gaps in gender-responsive legal frameworks, UN-Women launched a global database of all provisions relating to gender equality contained in constitutions across the world. UN-Women also produced an in-depth case study of Zimbabwe's constitutional reform process, where women's leadership was instrumental in incorporating progressive articles on gender equality into the Constitution.

58. To strengthen system-wide information-sharing, coordination, and partnership in the area of constitutional assistance, the Departments of Political Affairs and Peacekeeping Operations, OHCHR, UNDP, UNICEF and UN-Women established an internal coordination structure to enhance United Nations constitutional support to Member States. The group launched a newsletter, *The UN Constitutional*, to raise awareness, share information on the wide range of constitutional support provided by United Nations missions and country teams, and strengthen constitutional assistance.

D. Access to justice

59. In the declaration of the high-level meeting of the General Assembly on the rule of law, of 2012, Heads of State and Government emphasized the right of equal access to justice for all, including members of vulnerable groups, and reaffirmed the commitment of Member States to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid. United Nations activities in support of Member States' efforts to ensure access to justice are a core component of the work in the area of rule of law.

Geographical access

60. In many remote areas the distance needed to travel to reach justice institutions prevents people from accessing justice. In response to this challenge, several United Nations peace operations support mobile court initiatives. In Iraq, UNDP is developing a programme to promote access to justice through increased legal awareness, accessible legal services in rural and remote areas, and legal aid. In Somalia, UNDP supported 13 mobile courts in areas where formal justice was previously not available. People in nearly 100 villages and camps of internally displaced persons were given access to justice through the mobile courts, which heard a total of 1,824 cases.

61. Making justice services available can also involve construction of courthouses in areas where previously none existed. The African Union-United Nations Hybrid Operation in Darfur (UNAMID) supported the construction of four rural courthouses in Darfur, and in the Democratic Republic of the Congo MONUSCO supported the opening of the first State court in Shabunda district.

Legal aid

62. One of the major obstacles in accessing justice is the cost of legal advice and representation. Legal aid programmes are a central component of strategies to enhance access to justice. MINUSTAH in Haiti is assisting in the establishment and management of legal aid offices, and ONUCI in Côte d'Ivoire has supported the opening of six legal clinics which have offered workshops to more than 15,000 people and free legal consultations to almost 3,000. OHCHR provided advice for the drafting and adoption of a law on legal aid in Kazakhstan, and in Azerbaijan provided advice to a working group created to draft a law on legal aid. In Somaliland, UNODC supported the development of a law on legal aid, guidelines for practitioners, and a programme to ensure quality of legal aid services. In Pakistan, UNDP supported the implementation of mobile legal aid clinics and the establishment of legal aid desks within 14 court houses, benefiting a total of 21,140 persons. In 26 countries, UNICEF promoted legal aid for child victims and witnesses, including in Egypt, where legal aid was provided with local partners to 1,160 children in detention, including 222 Syrian children detained in police stations without charge. In the Occupied Palestinian Territories, the United Nations Democracy Fund launched a project for increased access to legal aid on the West Bank, and in Guatemala the Fund worked on access to justice for indigenous people.

63. Initiatives in support of legal aid programmes can also be part of broader rule of law strategies. UNDP worked in Ethiopia to support the drafting of the new legal aid strategy as part of the national human rights action plan; in the United Republic of Tanzania, the legal sector reform strategy in Zanzibar included strengthening access to legal aid for the most vulnerable; and in Rwanda, capacity-building of the Ministry of Justice and justice institutions included legal aid services for vulnerable groups.

Access to justice for specific groups

64. Access to justice efforts tailored to address the needs of refugees, children, women and other specific groups are also part of the United Nations activities in this area. For example, further to its 2012 policy on access to justice, UNHCR supported mobile legal aid clinics and mobile courts in Kenya, for cases of sexual and gender-based violence. At the end of June 2013, more than 4,000 refugees had received general legal counselling from mobile clinics. UNHCR also launched a pilot mobile court programme for refugees in Uganda to encourage reporting of sensitive crimes such as rape, sexual assault and domestic violence. UNICEF has actively supported efforts to enhance access to justice for children in 115 countries. In the United Republic of Tanzania, UNICEF supported the implementation of a legal aid programme providing legal help to detained children, which resulted in the release of 240 children over a 12-month period. In Iraq, UNDP is supporting access to justice for Syrian women and girl refugees through services that have benefited more than 3,000 persons. UNDP is working in China to expand access to legal services for people living with HIV. In India, UNDP has been working on

strengthening legal literacy and legal services, especially for marginalized women, through community-based paralegal programmes.

65. UN-Women supports actions aimed at improving access to justice for women in 16 countries. In Afghanistan, UN-Women is supporting the establishment of a gender unit in the Supreme Court and supports the coordination and management of gender units of judicial institutions through training sessions. In Viet Nam, UNODC and UN-Women work to promote crime prevention and criminal justice initiatives with a focus on women. Following the launch by UN-Women of *Progress of the World's Women 2011-2012: In Pursuit of Justice* (2011), UNDP, OHCHR and UN-Women are implementing a five-year joint global programme (2013-2018) to strengthen access to justice services for women through comprehensive and coordinated justice sector reforms.

Tools and guidance materials

66. The publication of materials with guidance for policymakers and practitioners has also been part of United Nations efforts to support Member States in enhancing access to justice. UNDP and UNODC developed a handbook on early access to legal aid in criminal justice processes. UNDP is also finalizing a practitioner's guide on legal aid, drawing on the experiences of programming on legal aid in Africa. In addition, UNDP and UNODC have launched a global study in order to gather data and to identify trends on access and availability of legal aid worldwide.

67. UN-Women, with UNDP support and the participation and endorsement of the Rule of Law Coordination and Resource Group, finalized a study on "Improving women's access to justice during and after conflict: mapping UN rule of law engagement". The study reviews the United Nations approach to women's access to justice in conflict-affected settings, making concrete recommendations for strengthening the impact of the United Nations system in this area.

68. UNDP has produced several guidance materials on legal empowerment, environmental justice and women's land rights, including *Legal Empowerment Strategies at Work: Lessons in Inclusion from Country Experiences; Environmental Justice: Comparative Experiences in Legal Empowerment; Engendering Access to Justice: Grassroots Women's Approaches to Securing Land Rights*. On justice in Africa, publications include *Rethinking the Role of Law and Justice in Africa's Development* and *Rule of Law and Access to Justice in Eastern and Southern Africa: Showcasing Innovations and Good Practices*.

IV. System-wide coordination and coherence

69. Efforts to enhance coordination and coherence in rule of law issues across the United Nations system have continued, both at Headquarters and at country levels. Implementation of the rule of law arrangements established in September 2012 has been further strengthened and there has been important progress in the establishment of the Rights up Front mechanism, envisioned to enhance the effectiveness of system-wide responses to crisis situations.

A. Strengthening of coordination and coherence at Headquarters

70. The Rule of Law Coordination and Resource Group continues to be responsible for ensuring a strategic approach to the broader rule of law work of the Organization. Acknowledging the breadth of the United Nations work related to the rule of law, the membership of the Group has been now expanded to include 20 entities with important normative components in their mandates.

71. In addition to its ongoing function of exchanging information on the rule of law, during the past year, the Group worked in the development of policies intended to guide the work of United Nations entities in the areas of reparations for conflict-related sexual violence and the promotion of the rule of law in commercial relations. The Group conducted a lessons learned exercise on United Nations support to judicial mechanisms to fight impunity and promote reparations for international crimes, which will inform a guidance note to be developed by the Group.

72. In order to support discussions among Member States on the rule of law in the post-2015 agenda, the Group supported the organization of events open to all Member States aimed at informing those discussions. The discussions focused on the rule of law as a driver of inclusive development opportunities, and the ways in which the rule of law can be measured and thus inform programming and decision-making. The Group will continue to support Member States' deliberations on how best to incorporate the rule of law in the post-2015 development agenda.

73. In September 2013, the Secretary-General launched "Business for the Rule of Law", a new global initiative to engage the business community in mobilizing support for the rule of law. The Rule of Law Unit and the Rule of Law Coordination and Resource Group have been supporting the Global Compact in developing a framework which will provide guidance and promote dialogue on how companies are able to support the rule of law in the regions in which they operate. The framework will include suggested actions for business and examples of how companies across the world and in diverse sectors are taking action to actively support the rule of law in their business operations and relationships.

74. As part of its coordination mandate, the Rule of Law Unit has been engaging with several inter-agency groups related to the rule of law, in order to facilitate exchanges along a wide spectrum of activities. Such coordination mechanisms include the Coordinating Action on Small Arms; the Counter-Terrorism Implementation Task Force; the Task Force on Transnational Organized Crime and Drug Trafficking; the Inter-Agency Working Group on Democracy of the Executive Committee on Peace and Security; the Inter-Agency Security Sector Reform Task Force; the Inter-Agency Working Group on Disarmament, Demobilization and Reintegration; and the Inter-Agency Coordination Group on Mine Action.

B. Headquarters support to country-level requests: global focal point

75. Under the joint global focal point for the police, justice and corrections areas arrangement, UNDP and the Department of Peacekeeping Operations coordinate the work of the United Nations system to provide more effective, nationally led rule of law support in crisis and post-crisis settings. The global focal point is a Headquarters-based field support mechanism which provides United Nations field

presences with all the resources they need, in terms of specialized expertise, knowledge and advice on assessments, planning, funding and partnerships, to respond to requests from the host country authorities for support to police, justice and corrections institutions.

76. The Department of Peacekeeping Operations and UNDP have made notable progress in operationalizing the global focal point. Overall, 12 United Nations entities and 4 international organizations are currently engaging in efforts under the global focal point arrangement, including to ensure appropriate gender mainstreaming in rule of law country programmatic support. Together with other United Nations partners, the global focal point has provided rule of law support to host country authorities in 19 countries. Activities have included joint assessment visits, joint planning and partnerships, deployment of personnel and advice on programme structures and funding streams. The consolidation of this joint effort remains contingent upon the availability of additional resources and the support of Member States and other partners.

77. The global focal point deployed 13 joint missions and 8 technical experts, and supported joint planning efforts in 11 countries. In Sierra Leone, the global focal point partners are working together in the area of policing to avoid gaps in the delivery of essential security services. In Burundi and the Democratic Republic of the Congo, the global focal point is supporting the transfer of competencies from the mission to the United Nations country team. In Côte d'Ivoire, the global focal point deployed experts on judicial inspection and land rights to serve both the mission and country team, enabling them to address these key drivers of conflict. In Chad, the global focal point partners are working on training on sexual and gender-based violence issues in policing.

C. Country-level rule of law arrangements

78. United Nations senior-level leadership at the country level is responsible for guiding and overseeing the Organization's rule of law strategies and for coordinating United Nations country support on the rule of law. There are several recent examples of rule of law strategies at the country level developed through the global focal point. In Somalia, the global focal point helped to design the structures through which the United Nations mission could deliver on its justice and security mandate. The arrangement developed a comprehensive national sector-wide reform programme; created a single United Nations team; and set up a single funding stream, a window of the Multi-Partner Trust Fund established to resource the implementation of the New Deal Compact for Somalia. In Afghanistan, United Nations entities established the Justice and Rule of Law Results Group under the global focal point arrangement; and the United Nations Development Assistance Framework included an outcome area on the rule of law, and developed a joint justice and rule of law workplan. In the Democratic Republic of the Congo, the multi-annual programme of the Government and the United Nations (UNDP, MONUSCO and UNODC) in support of the justice sector was launched, also under the global focal point arrangement. In Burundi, the global focal point supported the development of the rule of law strategy as part of the United Nations Joint Transition Plan.

D. Strengthening the rule of law in the Organization

79. The internal system of administration of justice is an essential component for the observance of the rule of law within the Organization and for its staff members. As at 23 June 2014, the United Nations Dispute Tribunal had issued 993 judgements, while the United Nations Appeals Tribunal had issued 427.